1949. File No. Growth of food Crops II/49 (N)

Legal Deptt.

B BRANCH

Subject:— Notifications under the Bombay Growth of food crops Act 1944

E
P-14
1949

II
Growth of Food Crops /49
(V)

236-B

Legal Department. -1-

Paragraph 4 of the Indian States (Application of Laws) Order, 1948, provides that notwithstanding anything in the said enactments defining the extent of an appointing the date for commencement, the said enactments except where expressly provided shall apply to the Indian States and shall be deemed to have come into force in the case of enactments specfied in Part I of Schedule II on the date on which this Order comes into force and in the case of enactments specified in Part II of the said Schedule on the 15th September 1948. The Bombay Growth of Foodcrops Act, 1944, which is specified in Part I of Schedule II, shall therefore be deemed to have come into force on the date on which the said Order came into force i.e. 28th July 1948 and it is not necessary to issue any notification under section 1(2) of the said Act.

C.C Sd/-J.R.Dhurandhar.
11-2

Additional Secretary to Government.

U.R. to A.& R.D.D.No. 1663, dated the 11th Feb. 1949.

S.A.K.
5-6
4 copies

Paras. 3 & 4 of A.R.D.D. note:- The draft notification at page 105 as amended is in order.

Paras. 4 of A.R.D.D. note:- A revised draft order is sent herewith. There is no specific provision in section 12 that an order of delegation shall be published in the Official Gazette. But since the order affects the public, it may be published in the Gazette.

Paras. 5,6 and 7 of A.R.D.D. note:- Section 4 empowers the Provincial Government to prescribe by an order the proportion in excess of which tobacco shall not be grown during any twelve months specified in the orders. Section 5 empowers the Provincial Government to direct that tobacco shall not be grown in that part of a cultivator's holding in which it was grown in the previous twelve months. The order under section 4 has to be published in the Official Gazette. The order under section 5 has to be published in the Official Gazette and in addition in such other manner as the Government may consider expedient. Under this section the publication in the Official Gazette cannot be dispensed with. If Government so considers expedient Government may direct that an order published in the Gazette may be served upon an individual cultivator. But this direction once made will have to be complied with strictly and if the order is challenged in Court the Court will require proof of individual service. The order under section 5 will have to be issued in terms of that section i.e. an order has to specify the area and direct generally that no tobacco shall not be grown in that part of a cultivator's holding in which it was grown in the previous twelve months. It is not feasible to make an order in terms of "A" in paragraph 7 of the Agriculture and Rural Development Department note.

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The Act does not contemplate an individual order but a general order.

A draft of an order under section 5 of the Act is sent herewith.

O.C. 184/- J.S.Dharandhar.

17-5

Additional Secretary to Government.

U.O. No R.P.H.D.No. dated North Avenue the 17th New Delhi

J.A.E.
S.S
4 copies

NOTIFICATION.

Agriculture and Rural Development Department.,

Bombay Castle, May 1949.

Bombay Growth of Foodcrops Act, 1944

No. 847-C :- In exercise of the powers conferred by section 6A of the Bombay Growth of Foodcrops Act, 1944 (Bom. VIII of 1944), read with section 2 of the Bombay Growth of Foodcrops Repeal and Re-enactment) Act, 1945 (Bom. II of 1945), the Government of Bombay is pleased to direct the omission of "Cotton" from the list of crops specified in Schedule II to the said Act.

By order of the Governor of Bombay,

Secretary to Government.

S.A.E.
8-5
4 copies

Agricultural and Rural Development
Department.

Bombay Castle, May 1949.

Bombay Growth of Foodcrops Act, 1944.

ORDER.

No. 1- In exercise of the powers conferred by section 12 of the Bombay Growth of Foodcrops Act, 1944 (Bom. VIII of 1944), read with section 2 of the Bombay Growth of Foodcrops (Repeal and Reenactment) Act, 1945 (Bom. II of 1945), the Government of Bombay is pleased to delegate to Collectors the powers conferred upon it by sections 4 and 5 of the said Act in respect of the areas within their jurisdictions.

By order of the Governor of Bombay

S.A.K.
5-6
4 copies

F O R M

No. 1- In exercise of the powers conferred by section 5 of the Bombay Growth of Foodcrops Act 1944(Bom. VIII of 1944), read with section 2 of the Bombay Growth of Foodcrops (Repeal and Reenactment) Act 1948(Bom. II of 1948), and read with Government Notification in the Agriculture and Rural Development Department No. • ,dated the • 1949 , the Collector of .....is pleased to direct that in the areas specified in the Schedule appended hereto, tobacco shall not be grown after the date of this order in that part of a cultivator's holding in which it was grown in the previous twelve months.

Here insert the No. and date of the delegating Order.

SCHEDULE.

Here specify the areas.

Date

Collector of .....

S.A.K.
8-6
4 copies

Legal Department

The draft order at page 31, ante, as amended is in order. It is also necessary to issue a notification under section 1(3) of the Act appointing the date on which the Act shall come into force in the Baroda District. A draft notification for the purpose o is appended hereto. Both the notifications should issue after the order applying the said Act to the Baroda State is issued but before 1st August 1949, as the Baroda State shall cease to be a State from the 1st August 1949.

S.C. Sd/-J.R.Bharucha.

22-7

Additional Secretary to Government.

U.R. to g- A.G.F.D.No. 456, -Conf1 dated the 22nd July 1949.

S.A.I
9-6
4 copies

Agriculture and Forests Department.

Bombay Castle. August , 1949.

Order.

Bombay Growth Foodcrops Act, 1944.

No. 547-J whereas the Government of Bombay is satisfied that it is necessary in the interests of the Province to increase the production of scheduled foodcrops in the areas comprised in the Baroda district of the Baroda State;

Now, therefore, in exercise of the powers conferred by clause (b) of section 4 of the Bombay Growth of Food crops Act, 1944 (Bom. VIII of 1944) read with section 2 of the Bombay Growth of Foodcrops(Repeal and Re-enactment)Act, 1945 (Bom. II of 1945) and clause of the * Order , 1949 , the Government of Bombay is pleased to prescribe 1/6th as the proportion in excess of which schedule non-food-crops shall not be grown after the date of this Order, in any cultivator's holding in the said areas during the twelve months immediately following the date of this Order.

* Here insert the title of the Order.

By order of the Governor of Bombay

Secretary to Government.

B.A.M.
9-6
4 copies

NOTIFICATION.

Agriculture and Forest Department.

Bombay Castle, July 1949.

Bombay Growth of Feederops Act, 1944.

No. 1- In exercise of the powers conferred by sub-section (2) of section 1 of the Bombay Growth of Feederops Act, 1944 (Bom. VIII of 1944) (hereinafter referred to as "the said Act") read with section 2 of the Bombay Growth of Feederops (Repeal and Re-enactment) Act, 1948 (Bom. II of 1948) and clause - of the

*Here insert the title of the Order.

Order, 1949, the Government of Bombay is pleased to appoint the ------the August 1949 as the date on which the said Act shall come into force in the Baroda district of the Baroda State.

By order of the Governor of Bombay,

Secretary to Government.

S.A.K
9-8
4 copies

Legal Department.

A revised draft order combining the two draft orders at pages 25-27 ante is sent herewith.

2. The proposal of the Agricultural and Forests Department to substitute for the words "All areas under the administrative control of the Chief Administrator, Sangli", the words "All areas under the administrative Control of the Chief Administrator Sangli, except villages mentioned below" is not in order. After the 1st August 1949 of the separate existance of States and the control of the Chief Administrator over them has come to an end. The Agricultural and Forests Department should therefore substitute for the old area the new area in terms of taluka or district by which the old area is now known

O.O. Sd/-J.R.DEGHAMKHAR.

16-8

Additional Secretary to Government.

U.R. to A.& F.D.No. 9225, dated the 16th August 19

S.A.K.
9-8
4 copies

Local Department.

A revised draft order combining the draft orders at pp. 37 and 39 ante is sent herewith.

O.O. Sd/- J.R.Dh_____.

10-9

Additional Secretary to Government.

U.R. to L.& P.D.No. 10320, dated 13th Sept. 1949.

A.A.R.
9-6
4 copies

Legal Department.

The proposal of A. & F.P. to amend the C.N. , A & R.D.D. Order No. 574-C (6) ,dated the 16th June 1945, is not in order. Under that Order a liability is imposed upon a cultivator to continue to grow scheduled foodcrops during the twelve months immediately following the date of the Order. A similar liability cannot be imposed with retrospective effect in the case of new sugar companies. An independent Order is necessary for the purpose which will take effect from the date of the Order.

A revised draft order is sent herewith accordingly.

Sd/- S.V.Thirumachar.
10-11

Additional Secretary to Government.

C.N. to A. & F.D.No. 12781, dated the 11th November 1949.

S.A.E.
3-5
4 copies

Agriculture and Forests Department.

Bombay Castle. 1949.

ORDER.

Bombay Growth of Foodcrops Act, 1944.

No. :- Whereas the Government of Bombay is satisfied that it is necessary in the interests of the Province to increase the production of Scheduled Foodcrops in the areas specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 4 of the Bombay Growth of Foodcrops Act, 1944 (Bom. VIII of 1944) read with section 2 of the Bombay Growth of Foodcrops (Repeal and Re-enactment) Act, 1948 (Bom. II of 1948) as continued in force by the States Merger (Governor's Provinces) Order, 1949, the Government of Bombay is pleased to prescribe $\frac{1}{8}$ th as the minimum proportion of the cultivator's holding in which Scheduled foodcrops shall be grown, after the date of this order, in any holding of a sugar company in the said areas during the twelve months immediately following the date of this Order.

SCHEDULE.

Area.

Kolhapur district.

Satara South district.

By order of the Governor of Bombay,

Secretary to Government.

S.A.I.
9-6
4 copies

Legal Department.

Seven revised draft orders are sent herewith.

2. The draft orders at page 123 and at page 125 have been combined into one as the maximum proportion prescribed is the same in both the cases. The foot-note No. 3 to the draft at page 113 is not necessary in view of the fact that it is not obligatory upon a holder under the order to grow cotton or groundnut in the area prescribed. What is obligatory is that the area in which cotton or groundnut will be grown should not exceed the area prescribed in the order. This impliedly gives liberty to a person to grow any other non-food crop in the area.

3. Para. 3(iii) of A.& F.D. note at p. 106 ante:- It is not necessary to issue the draft notification at page 35 ante as under paragraph 4 of the Baroda State (Application of Laws) Order, 1949 the Bombay Growth of Foodcrops Act, 1944 has already come into force on the 30th July 1949.

4. Para. 3 of A.& F.D. note at p. 131 ante:- The orders which will be issued in April or May 1950 will have to supersede the present orders as they will remain in force for 12 months from the date of issue and in that case for a part of the period there will exist w two orders under the same section in respect of the same area.

O.O. Sd/-J.B.Kamandhar.

23-11

Additional Secretary to Government.

U.O. to A. & F.D.No. 727-Genl , dated the 23rd November 1949.

S.A.H.
9-6
4 copies

19/6